

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2258.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: May 23, 2005
DATE OF REPORT: June 13, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 4, 2005

COMPLAINT ISSUES:

Whether Pioneer Regional School Corporation and Logansport Area Joint Special Services violated:

511 IAC 7-27-7(c)(3) by failing to implement the student's individualized education program (IEP) immediately upon enrollment from another district within the state.

FINDINGS OF FACT:

1. The Student has been identified as having an Other Health Impairment (OHI) and has been determined eligible for special education and related services.
2. The Student enrolled at the School on January 4, 2005. The School was informed that the Student had an illness requiring medical attention, and thus understood that the Student "would need modifications which included extra time as (the Student) tires easily and that attendance and make-up work would be important issues to address." The School was not informed of an existing IEP or that the Student had been in special education.
3. In March 2005, the Student's teacher was looking for information to help in developing a general education intervention (GEI) plan for the Student. In searching the Student's file, the teacher discovered an IEP that had been sent from the Student's previous school. The Assistant Director speculated that the IEP, which had been overlooked, may have arrived in late January or early February 2005.
4. A case conference committee (CCC) meeting was planned after the discovery of the IEP, and the meeting was held on April 1, 2005. The CCC developed a new IEP, which was to be effective through April 1, 2006. It calls for the School to assist the Student in the resource room 30 minutes daily for the rest of the school year, and to provide study hall 50 minutes daily during the 2005-2006 school year. It also calls for the School to provide extra time on assignments and tests, and other classroom modifications.
5. The CCC reconvened on May 27, 2005, to review the Student's progress and the IEP recently developed. Staff and the Student's parent were pleased with the Student's progress and grade improvement. Services for the coming year were not changed.
6. On May 26, 2005, the Assistant Director sent a memorandum to the principal of the School, to acknowledge the violation of an Article 7 rule and to request the School's help in determining whether a student has an identified disability and an IEP. The principal was provided the text of the rule, and

was asked to remind staff of the importance of adhering to the rule. A copy of the letter was sent to the superintendent.

CONCLUSIONS:

Findings of Fact #2 through #5 indicate that the School failed to implement the IEP immediately upon the Student's enrollment from another district within the state. The CCC met and developed a new IEP approximately three months after the Student's enrollment. Therefore, a violation of 511 IAC 7-27-7(c)(3) is found. However, since the School has taken action to prevent another violation in the future (Finding of Fact #6), the School has reduced the corrective action required by the Division.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Pioneer Regional School Corporation and Logansport Area Joint Special Services shall send a memorandum to all teachers of record and staff involved in student enrollment, calling attention to the violation and the need to implement IEPs immediately upon enrollment. This will ensure that the message is received by individuals who are key to the early implementation of students' IEPs.

Documentation of compliance (consisting of the memorandum and a list of people receiving it) shall be sent to the Division by August 26, 2005.